



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

March 12, 1991

Ms. Karen W. Osborne
Assistant General Counsel
Texas Department of Criminal Justice
Institutional Division
P. O. Box 99
Huntsville, Texas 77342-0099

OR91-133

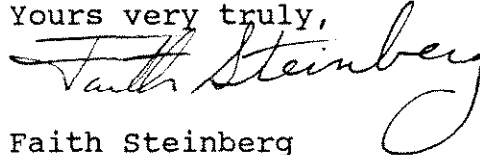
Dear Ms. Osborne:

You ask whether certain information relating to a Texas Department of Criminal Justice-Institutional Division Internal Affairs Division investigation of inmate grievances against a Texas Department of Criminal Justice-Institutional Division employee is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9925.

We have considered the exceptions you claim and have reviewed the documents at issue. It appears to us that the requested material may be within the definition of sensitive information prohibited from disclosure to inmates under Section I.G. of the Stipulated Modification of Section II,D and Section II,A of Amended Decree in the case of Ruiz v. Estelle, 503 F.Supp. 1265 (S.D. Tex. 1980), aff'd in part and vacated in part, 679 F.2d 1115 (5th Cir.), amended in part, 688 F.2d 266 (5th Cir.), cert. denied, 460 U.S. 1042 (1982). In Open Records Decision No. 560 (1990), dealing with the confidentiality of Use of Force Reports, this office observed that "because the Ruiz lawsuit is ongoing, the proper authority to determine access to 'sensitive information' is the forum court." Open Records Decision No. 560 at 3 (footnote omitted). It is our understanding that the inmate grievance reporting and investigation process is likewise governed by the Ruiz amended decree. Under the Stipulated Modification, sensitive information is outside the scope of the Open Records Act and the open records opinion process. Therefore we are returning the material to you. You may resubmit the material if you believe the information is not within the Stipulated Modification.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-133.

Yours very truly,



Faith Steinberg
Assistant Attorney General
Opinion Committee

FS/lcd

Ref.: ID# 9925, 10683, 11224, 11768

Enclosure: Open Records Decision No. 560

cc: CO III Stephen Palmer
Texas Dept. of Criminal Justice
Wynne Unit
Rt. 1, Box 1
Huntsville, Tx. 77349